

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CINPRES GAS INJECTION LTD.,

Plaintiff,

Civil Action No. 12-CV-13000

vs.

HON. BERNARD A. FRIEDMAN

VOLKSWAGEN GROUP OF
AMERICA, INC.,

Defendant.

**ORDER DENYING DEFENDANT'S MOTION FOR RECONSIDERATION
OF THE COURT'S ORDER DENYING DEFENDANT'S MOTION TO DISMISS
IN FAVOR OF ARBITRATION**

This matter is presently before the Court on defendant's motion [docket entry 55] for reconsideration of the Court's order denying defendant's motion to dismiss in favor of arbitration. The motion is denied because defendant has not shown "a palpable defect by which the court . . . [has] been misled [and] that correcting the defect will result in a different disposition of the case." E.D. Mich. LR 7.1(h)(3). The Court stands by its conclusions that defendant is not a party to the 2006 license agreement, that the arbitration clause in that agreement does not encompass the patent claims at issue in this case, and that the question of arbitrability is not arguable such that arbitrator should decide it. The 2006 license agreement authorized Volkswagen AG to use plaintiff's technology and equipment. That agreement did not authorize Volkswagen AG (or anyone else, including defendant Volkswagen Group of America, Inc., which is not a party thereto) to direct its suppliers do so. Suppliers had to be separately licensed. Additionally, the 2006 license agreement authorized Volkswagen AG to use specifically listed patents, not including the patents

at issue in the present case.

SO ORDERED.

Dated: March 6, 2013

s/ Bernard A. Friedman
BERNARD A. FRIEDMAN
SENIOR UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on March 6, 2013, electronically and my U.S. mail.

s/ Michael Williams
Relief Case Manager for the Honorable
Bernard A. Friedman